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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,438	09/23/2003	Pierre Rene	16215-1US - GH/ljd	3383
20988	7590	09/24/2004	EXAMINER	
OGILVY RENAULT 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			CONLEY, FREDRICK C	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/667,438	RENE, PIERRE	
	Examiner Fredrick C Conley	Art Unit 3673	(M)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 September 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4, 11 and 18-22 is/are rejected.
- 7) Claim(s) 5-10, 12-17 and 23-29 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/23/03</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 11, and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,212,714 to Allen et al.

Claim 1, Allen discloses an articulated bed convertible to a chair position, said bed comprising a mattress formed of sections including a leg rest section 16, said mattress sections being secured to respective support frames (col. 4 lines 47-55), articulating linkage means (col. 6 lines 6-15) to articulate said support frames, said mattress leg rest section being secured to a retractable support frame 54, means to support said support frames elevated from a floor surface, said leg rest section of said mattress having at least a compressible section 180 thereof formed of compressible material, compressible interconnecting means (62,64,66) to compress said compressible material to shorten the length of said compressible section, restraining means to restrain said compressible material as it is compressed and decompressed when said support frames are displaced from a horizontal position to an articulated chair position and vice versa (col. 9 lines 52-62).

Claim 2, wherein said compressible section is constituted by a high density soft foam piece material having an undulated surface section defining peaks and valleys formations dimensioned and positioned such that said compressible means can cause

said peaks formations to be displaced closer one another within said valleys formations to compress said soft foam piece (col. 9 lines 20-33).

Claim 3, wherein said peaks and valley formations are alternating peaks and valleys formations (fig. 10).

Claim 4, wherein compressible interconnecting means comprises a pair of rigid connecting members interconnected together by interconnecting telescoping means cause guided displacement of a displaceable one of said rigid members relative to a stationary one of said rigid members, said displaceable one of said rigid members being connected to displacement means (col. 6 lines 16-30).

Claim 11, wherein said peaks and valleys formations are curved peaks and valleys formations defining a wave cross-section (fig. 2).

Claim 18, wherein said mattress sections comprise a back rest section, a seat rest section and said leg rest section all said sections being disposed in a single envelope (170).

Claim 19, wherein said bed is a hospital bed.

Claim 20, Allen discloses a mattress leg rest section for use with an articulated bed convertible to chair position, said mattress leg rest section comprising at least a compressible section 180 formed of compressible material and having an undulated surface section defining peaks and valleys formations dimensioned such as to be compressed by compressible interconnecting means to cause said peaks formations to be displaced closer to one another within said valleys formations to shorten said mattress leg rest section (fig. 10).

Claim 21, wherein said peaks and valleys formations are alternating peaks and valleys formations (fig. 10).

Claim 22, wherein said compressible interconnecting means comprises a pair of rigid connecting members interconnected together by interconnecting telescoping means to cause guided displacement of a displaceable one of said rigid members relative to a stationary one of said rigid members, said displaceable one of said rigid members being connected to displacement means (col. 6 lines 16-30).

***Allowable Subject Matter***

Claims 5-10, 12-17, 23-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fredrick C Conley whose telephone number is 308-7468. The examiner can normally be reached on m-th m-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FC  


  
MICHAEL F. TRETTEL  
PRIMARY EXAMINER  
ART UNIT 358